

ORIGINAL

Decision No. 85432

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Kings County Truck Lines)	
for authority to charge less than the)	
minimum rates heretofore established by)	Application No. 56077
the Commission, as authorized in)	(Filed November 19, 1975)
Section 3666 of the Public Utilities)	
Code of the State of California.)	

INTERIM OPINION

Kings County Truck Lines (Kings County), a highway permit carrier, seeks authority under Section 3666 of the Public Utilities Code to assess less than the established minimum rates for transportation to be performed for Dairyman's Cooperative Creamery Association (Dairyman's), Tulare. King's County will transport dairy products as described in Items 335.6 and 335.7 from Tulare to Lucky Stores, Inc., Buena Park; Safeway Stores, Inc., Santa Fe Springs; Wilsey Foods, Los Angeles; or Jerseymaid Foods, Los Angeles; and return to Tulare with various supplies used by Dairyman's from origins in the Los Angeles metropolitan area. Kings County also will transport dairy products to Safeway Stores, Inc., Richmond, and Lucky Stores, Inc., San Leandro, with return loads from suppliers located in the metropolitan San Francisco Bay area.

The minimum rates for the transportation of dairy products outbound and empty containers and supplies inbound are the mileage class rates set forth in Minimum Rate Tariff 2 (MRT 2).

Kings County proposes to assess a round-trip charge which will vary according to the destination of the dairy products and the type of commodity transported and the origin of the return load. If more than one origin is involved in the return load, an extra charge will be made.

The application indicates that Kings County will perform the proposed transportation service with 3-axle diesel tractors and 47-1/2-foot refrigerated vans. Drivers will assist in the unloading of dairy products and in the reloading and unloading of the empty containers and supplies transported in returned loads.

The following special conditions are relied upon by Kings County in justification of the authority sought:

1. There is now, and in the future there will continue to be, a substantial movement of traffic of the kind embraced in this application from and to the points for which Section 3666 relief is sought.
2. The charges proposed to be assessed for the traffic embraced in the application will be reasonable for the service rendered and will return to applicant its full cost of rendering the service, plus a reasonable profit.
3. Applicant is informed by the shipper of the traffic that in the event that relief is granted to applicant it will utilize the services of applicant.
4. Applicant further believes that unless relief is authorized, that shipper will divert traffic to its proprietary service, and that a substantial volume of traffic will be lost to for-hire carriers in the future.

The application contains a development of estimated operating costs for each of the round-trip movements proposed to be performed. The proposed round-trip revenues exceed the estimated costs of providing the round-trip service.

Kings County states that Dairyman's desires that the transportation be performed at the requested rates as of January 1, 1976 and requests that an immediate ex parte order be issued granting the authority pending hearing. The application was listed on the Commission's Daily Calendar, and a copy was served on the California Trucking Association. No objection to the granting of the relief has been received.

In the circumstances the Commission finds that there are special conditions surrounding the proposed transportation services which will permit Kings County to achieve operating economies through the handling of full loads in each direction, that based on the preliminary data set forth in the application the round-trip service can be performed at a profit, and that the proposed charges for round-trip services will be reasonable.

The Commission concludes that interim authority for a six-month period should be granted, pending receipt of additional evidence.

INTERIM ORDER


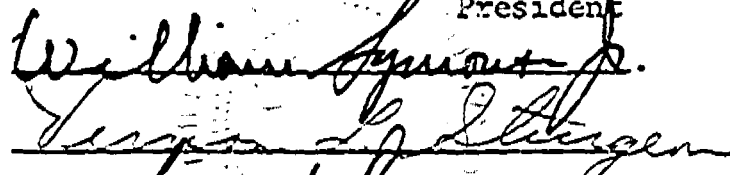
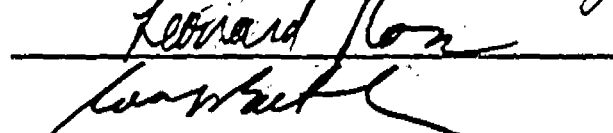
IT IS ORDERED that:

1. Kings County Truck Lines, a corporation, is authorized to transport property for Dairymen's Cooperative Creamery Association, Tulare, at rates less than the established minimum rates, but not less than the rates set forth in Appendix A, attached hereto and made a part hereof.

2. The interim authority granted herein shall expire six months after the effective date of this order, and such effective date shall be extended only upon further decision based on evidence indicating that the authorized rates are compensatory.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th
day of FEBRUARY, 1976.

 President
William J. Quinn

Leonard J. [unclear]
 Commissioners

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Carrier: Kings County Truck Lines.
Shipper: Dairyman's Cooperative Creamery Association.
Commodities: Dairy products and other specified commodities.
Transportation: (Service and Charges)

A. Southbound: Dairy products from Tulare to Los Angeles, Buena Park, Venice, and Santa Fe Springs.

Northbound:

- 1.a. Empty pallets and milk cases from Buena Park to Tulare.
Round-trip charge: \$291.00
- b. Supplies from Riverside, i.e., cups, paper, or pulpboard to Tulare. (Via Buena Park southbound.)
Round-trip charge: \$390.00
- c. Supplies from various suppliers, i.e., Weyerhaeuser Co., City of Industry, boxes and pulpboard; Custom Chemicals, Cudahy, cleaning compounds; American Food Labs., Glendale, stabilizers or emulsifiers; American Can Co., Glendale, plastic food containers; David Michael Co., dessert preparations; T-Chem Prod., Pico Rivera, lime; Pure Aire Corporation, Van Nuys, clean air work stations; Fibreboard Corporation, Vernon, boxes and pulpboard. (Via Buena Park southbound.)
Round-trip charge: \$314.00 (Maximum of two stops with one hour total free time for all stops.)
- 2.a. Empty pallets and milk cases from Santa Fe Springs to Tulare.
Round-trip charge: \$287.00
- b. Supplies from Riverside to Tulare. (Via Santa Fe Springs southbound.)
Round-trip charge: \$386.00
- c. Supplies from various suppliers, as shown in 1.c. above to Tulare. (Via Santa Fe Springs southbound.)
Round-trip charge: \$310.00
- 3.a. Empty pallets and milk cases from Wilsey Foods, Los Angeles to Tulare.
Round-trip charge: \$278.00
- b. Supplies from Riverside to Tulare. (Via Wilsey Foods southbound.)
Round-trip charge: \$377.00

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- c. Supplies from various suppliers, as shown in l.c. above, to Tulare. (Via Wilsey Foods southbound.)
Round-trip charge: \$301.00
 - a. Empty milk cases and pallets from Jerseymaid Foods, Los Angeles, to Tulare.
Round-trip charge: \$306.00
 - b. Supplies from Riverside to Tulare. (Via Jerseymaid southbound.)
Round-trip charge: \$405.00
 - c. Supplies from various suppliers, as shown in l.c., to Tulare. (Via Jerseymaid southbound.)
Round-trip charge: \$329.00
 - a. Empty milk cases and pallets from Edgemar Farms, Venice, and Lucky Stores, Buena Park, to Tulare.
Round-trip charge: \$311.00
 - b. Supplies from Riverside to Tulare. (Via Venice & Buena Park southbound.)
Round-trip charge: \$410.00
 - c. Supplies from various suppliers, as shown in l.c., to Tulare. (Via Venice & Buena Park southbound.)
Round-trip charge: \$334.00
- B. Northbound: Dairy products from Tulare to San Leandro and Richmond.
- Southbound:
- a. Empty milk cases and pallets from Safeway Stores, Richmond, to Tulare.
Round-trip charge: \$322.00
 - b. Supplies from various suppliers, i.e., Shade Foods Inc., Belmont, flavoring compounds; Dow Chemical Co., Fresno, plastic film; Leslie Salt Co., Newark, salt; Morton Salt Co., Newark, salt; A. E. Staley Co., San Leandro, corn sugar; Western Kraft, San Leandro, boxes and pulpboard; Germantown Manufacturing Co., Oakland, stabilizers or emulsifiers; or Fibreboard Products, San Jose, fibreboard boxes.
Round-trip charge: \$344.00 (Maximum of two stops with 1 hour total free time.)
 - c. Boxes, pulpboard, from American Can Co., Modesto, to Tulare.
Round-trip charge: \$336.00

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- 2.a. Empty milk cases and pallets from Lucky Stores, San Leandro, to Tulare.
Round-trip charge: \$302.00
- b. Supplies from various suppliers, as shown in l.c. above, to Tulare.
Round-trip charge: \$325.00
- c. Boxes and pulpboard, from American Can Co., Modesto, to Tulare.
Round-trip charge: \$318.00

Equipment: Three-axle tractor, White Freightliner, and 46' semi-trailer with refrigeration unit.

Physical Operation: Driver and equipment domiciled at Tulare, California.

- Regulations:
- A. Loading and unloading at Dairyman's Cooperative Creamery, Tulare, to be performed by Dairyman's employees.
 - B. Kings County Truck Lines' drivers to assist in unloading and reloading at all other locations, with free time and charges as shown:
 - 1. Two and one-half hours free time at:
 - a. Safeway Stores, Santa Fe Springs and Richmond.
 - b. Lucky Stores, Buena Park and San Leandro.
 - c. Wilsey Foods, Los Angeles.
 - 2. Four hours free time at Jerseymaid Foods, Los Angeles.
 - 3. One-half hour free time at Edgemar Farms, Venice.
 - 4. One hour free time total for reloading supplies at all other points. Maximum of two stops enroute back to Tulare for loading of supplies.
 - C. Minimum of four loads per week.
 - D. Excessive time in excess of free time charged for at the rate of \$11.75 per hour, figured on quarter hour intervals.